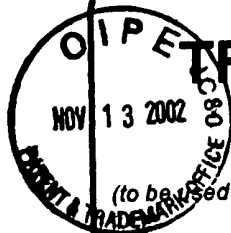


Please type a plus sign (+) in this box → **+**

(Modified) PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

37

Application Number

09/437,726

Filing Date

November 19, 1999

First Named Inventor

Willem P.C. Stemmer, et al.

Group Art Unit

1634

Examiner Name

B. Sisson

Attorney Docket Number

0122.310US

ENCLOSURES (check all that apply)

☒

Fee Transmittal Form

☐

Fee Attached

☒

Amendment / Response

☐

After Final

☒

Affidavits/declaration(s)

☒

Extension of Time Request

One month

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Response to Missing Parts/Incomplete Application

☐

Response to Missing Parts under 37 CFR 1.52 or 1.53

☐

Assignment Papers (for an Application)

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation Change of Correspondence Address

☐

Terminal Disclaimer

☐

Small Entity Statement

☐

Request for Refund

☐

After Allowance Communication to Group

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Additional Enclosure(s) (please identify below):

Transmittal Form; Fee Transmittal; Exhibits A, B & C; Return Postcard

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

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NOV 20 2002

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Christopher M. Holman, Reg. No. 40,021
Maxygen, Inc.

Signature

CDH

Date

11/4/02

NOV 19 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 11-5-02

Typed or printed name

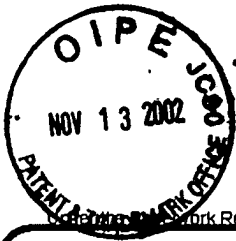
Julie K. Mausen

Signature

Julie K. Mausen

Date

11-5-02



FEE TRANSMITTAL
for FY 2003
Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)**110.00**

PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Patent Work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Complete if Known

Application Number

09/437,726

Filing Date

November 9, 1999

First Named Inventor

Stemmer, et al.

Examiner Name

B. Sisson

Art Unit

1655

Attorney Docket No.

0122.310US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

50 - 0990

Deposit Account Name

Maxygen, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims

Independent Claims

Multiple Dependent

Extra Claims

- 20** =

- 3** =

Fee from below

Fee Paid

Large Entity Fee Code (\$)

Small Entity Fee Code (\$)

Fee Description

1202 18

2202 9

Claims in excess of 20

1201 84

2201 42

Independent claims in excess of 3

1203 280

2203 140

Multiple dependent claim, if not paid

1204 84

2204 42

** Reissue independent claims over original patent

1205 18

2205 9

** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	1052 50	2052 25	Surcharge - late filing fee or oath	
1053 130	2053 130	1812 2,520	2520 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	1812 2,520	2520 25	Non-English specification	
1812 2,520	2520 25	1804 920*	2520 25	For filing a request for ex parte reexamination	
1804 920*	2520 25	1804 920*	2520 25	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2520 25	1805 1,840*	2520 25	Requesting publication of SIR after Examiner action	
1251 110	2251 55	1252 400	2252 200	Extension for reply within first month	110.00
1252 400	2252 200	1253 920	2253 460	Extension for reply within second month	
1253 920	2253 460	1254 1,440	2254 720	Extension for reply within third month	
1254 1,440	2254 720	1255 1,960	2255 980	Extension for reply within fourth month	
1255 1,960	2255 980	1401 320	2401 160	Extension for reply within fifth month	
1401 320	2401 160	1402 320	2402 160	Notice of Appeal	
1402 320	2402 160	1403 280	2403 140	Filing a brief in support of an appeal	
1403 280	2403 140	1451 1,510	2451 755	Request for oral hearing	
1451 1,510	2451 755	1452 110	2452 55	Petition to institute a public use proceeding	
1452 110	2452 55	1453 1,280	2453 640	Petition to revive - unavoidable	
1453 1,280	2453 640	1501 1,280	2501 640	Petition to revive - unintentional	
1501 1,280	2501 640	1502 460	2502 230	Utility Issue fee (or reissue)	
1502 460	2502 230	1503 620	2503 310	Design Issue fee	
1503 620	2503 310	1460 130	2460 65	Plant Issue fee	
1460 130	2460 65	1807 50	2807 25	Petitions to the Commissioner	
1807 50	2807 25	1806 180	2806 90	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 90	8021 40	2801 370	Submission of Information Disclosure Stmt	
8021 40	2801 370	1809 740	2809 370	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	1810 740	2810 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	1801 740	2801 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	1802 900	2802 450	Request for Continued Examination (RCE)	
1802 900	2802 450			Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 110.00

SUBMITTED BY

Name (Print/Type)

Christopher M. Holman

Registration No. (Attorney/Agent)

40,021

Telephone

(650) 298-5884

Signature

Date

11/4/02

CERTIFICATE OF MAILING

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Typed or Printed Name

Julie K. Mausen

Signature

Date

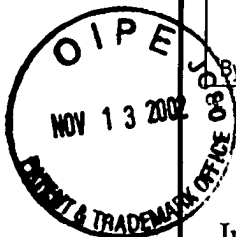
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Attorney Docket No: 0122.310

#29/D
CO
11/25/02



By Julie K. Hansen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Willem P. C. Stemmer *et al.*

Application No.: 09/437,726

Filed: November 9, 1999

For: Methods for Obtaining a Polynucleotide
Encoding a Polypeptide Having Rubisco
Activity

Examiner: B. Sisson

Art Unit: 1634

Amendment and Response

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NOV 19 2002

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Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Final Office Action dated July 16, 2002 Applicants respectfully request reconsideration of the above-identified application in view of the following amendments and remarks. Applicants wish to thank the Examiner for useful insight and comments provided during a telephonic interview conducted with Applicants' representative Christopher Holman on October 2, 2002. The following documents are enclosed herewith:

1. A petition to extend time for response from October 16, 2002 to November 16, 2002 accompanies this Amendment.
2. A declaration of Dr. Genhai Zhu pursuant to 37 C.F.R. 1.132, including attached Exhibits A, B and C.

AMENDMENT

In the Specification:

Please replace the paragraph at page 35, line 14 to page 36, line 9 with the following paragraph:

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